

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

EDWARD MICKLE	§	
v.	§	CIVIL ACTION NO. 6:12cv678
DIRECTOR, TDCJ-CID	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Petitioner Edward Mickle, proceeding *pro se*, filed this application for the writ of habeas corpus, although it is not clear what he is challenging. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

After review of the pleadings, the Magistrate Judge ordered Mickle to file an amended petition under Rule 2 of the Rules Governing Section 2254 Proceedings in the United States District Courts, to specify the grounds for relief and the facts in support of those grounds. The Magistrate Judge also directed Mickle to pay the statutory filing fee or to submit an application for leave to proceed *in forma pauperis*.

When Mickle did not respond to either of these orders, the Magistrate Judge issued a Report on December 19, 2012, recommending that the petition be dismissed without prejudice for failure to prosecute or to obey an order of the Court. Mickle received a copy of this Report on December 26, 2012, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal

conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause as well as the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. See United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 4) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus is hereby DISMISSED without prejudice for failure to prosecute or to obey an order of the Court. It is further

ORDERED that any and all other motions which may be pending in this civil action are hereby DENIED.

It is SO ORDERED.

SIGNED this 28th day of January, 2013.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE